

I. REMARKS

In the Office Action dated October 3, 2005, claims 1-8 were pending. Claims 1 and 4-7 were rejected. Claims 2, 3, and 8 are objected to.

A. Information Disclosure Statement

The Examiner stated that U.S. Patent No. 4,137,023 and 5,458,474 were not listed in the information disclosure statement. Because they were only incorporated into the specification, they were not considered. As such, a supplemental information disclosure statement is being submitted herewith listing the two patent numbers in question. Consideration of these two patents is respectfully requested.

B. Drawings

The Examiner objected to the drawings because in Figure 1, reference letter “S” was not found in the specification. Rather than amending the drawings, the patent specification has been amended in the paragraph found on page 4, lines 12-22. Because the specification now refers to reference letter “S,” no amendment to the drawings is required.

C. Specification

A gap between the word “pump” and “having” on page 3, lines 1-3 has been removed. Further, the recitation of “teeth 30” on page 4, lines 13 and 14 has been amended to recite “teeth 30, 30’.” Finally, the gap between the end of the first paragraph on page 5 and the beginning of the second paragraph on page 5 has been removed. Applicant respectfully contends that the objection to the specification be withdrawn since the informalities have been corrected.

D. Claim Objections:

The Examiner objected to claims 4 and 6. The Examiner said that “said transverse section” found in claim 4, line 2 is presumed to be said central portion for proper antecedent basis. Applicant respectfully contends that the Examiner intended to object to claim 3 because original claim 4 does not contain the “said transverse section” limitation. Claim 3 has been amended to recite “a transverse section,” which finds support in the subject application on page 5, lines 6-8. Further, the Examiner stated that claim 6, lines 1 and 2 should read “a die channel

in said die" to properly maintain that the outlet chamber is contained within the gear pump housing as indicated in claim 4. Applicant respectfully states that claims 3 and 6 have been amended in order to obviate the claim objections.

E. Claim Rejections Under 35 U.S.C. § 102

Claims 1, 4, and 5 are rejected under 35 U.S.C. § 102(a) as being anticipated by German reference Witte (DE10148476A1). Applicant respectfully traverses this rejection. However, the limitations of claim 2, which were deemed allowable, have been incorporated into claim 1. Because Witte does not teach each curved central portion of the gears extending circumferentially of the gear a distance equal to at least one half the predetermined pitch, Applicant respectfully contends that claim 1 is in condition for allowance.

With respect to claim 4, the limitations found in allowable claim 3 have been incorporated into claim 4. As such, Applicant respectfully contends that claim 4 and claim 5, which depends therefrom, are in condition for allowance.

F. Claim Rejections Under 35 U.S.C. § 103

Claims 1 and 4-7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,468,067 to Ikegami in view of Witte. Applicant respectfully traverses this rejection. However, as previously stated, claim 1 is now deemed to be condition for allowance as well as claims 4, 5, and 6. Claim 7 now contains the limitations of allowance claim 8, so it is also deemed to be in condition for allowance. Applicant respectfully requests that the rejection under 35 U.S.C. § 103(a) be withdraw.

G. Allowable Subject Matter

Claims 2, 3, and 8 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As such, the limitations found in claim 2 have been incorporated into claim 1. Claim 2 has been cancelled. Claim 3 has been amended to depend from claim 1 rather than claim 2. Claim 7 has been amended to incorporate the limitations of

claim 8, and claim 8 has been cancelled. Based upon the foregoing, Applicant respectfully contends that claims 1 and 3-7 are now in condition for allowance.

II. CONCLUSION

In response to the Office Action dated October 3, 2005, claims 2 and 8 were cancelled. Claims 1, 3, 4, 6, and 7 have been amended pursuant to 37 C.F.R. 1.121. It is believed these amendments have placed the amended claims in conformance with the requirements of the Office Action. At this point, Applicant believes that the claims remaining in the case distinguish over the art cited and comply with the requirements of 35 U.S.C. §102, §103, and §112. As such, allowance of the claims is respectfully requested.

Respectfully submitted,

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10-26-05
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